

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

VICTOR MEDERO-RUIZ,
Defendant.

CRIMINAL NO. 99-185-05 (DRD)

MOTION FOR APPOINTMENT OF COUNSEL *NUNC PRO TUNC*
FEBRUARY 11, 2008 PURSUANT TO THE CRIMINAL JUSTICE ACT

TO THE HONORABLE COURT:

COMES NOW defendant Victor Medero-Ruiz and, through his undersigned counsel, respectfully states and prays as follows:

1. The undersigned, having represented Mr. Medero-Ruiz in relation with the original criminal case before this Court, was thereafter contacted by him and asked that we assist him in preparing and submitting the petition for retroactive application of the crack amendment.

2. On June 16, 2008, we submitted a Petition for Retroactive Application of Amendment to Crack Cocaine Guideline, for Resentencing, and for Appointment of Counsel Pursuant to the Criminal Justice Act [Dkt. 449]. The matter was thereafter referred to the U.S. Probation Office for preparation of the Crack Retroactivity Package envisioned in this Court's Administrative Directive, Misc. No. 08-31 (JAF), In Re: Petitions for Retroactive Application of the Crack Cocaine Offense Level Guidelines. That has already been done, and the matter is now pending discussions between the United States Attorney's Office and the undersigned counsel for defendant Victor Medero-Ruiz

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to see if we can reach a stipulation and, if not, to submit our respective arguments to the Court for decision.

3. The undersigned hereby requests that the Honorable Court appoint us in this endeavor pursuant to the provisions of the Criminal Justice Act, that it enter an Order directing that a CJA 20 form be issued to the undersigned, with a nunc pro tunc date of February 11, 2008, so as to allow us to invoice from the time that defendant Medero-Ruiz first contacted us to request we assist in this matter. This will also allow to invoice for various conversations with defednant Medero-Ruiz, review of documents, and the actual preparation of the Petition submitted on June 16, 2008.

WHEREFORE it is respectfully requested that the Court enter an Order appointing Thomas R. Lincoln as counsel for defendant Victor Medero-Ruiz pursuant to the Criminal Justice Act in regards to his request for retroactive application of the crack amendment, that a CJA 20 Voucher be issued with the appointment made nunc pro tunc February 11, 2008.

RESPECTFULLY SUBMITTED.

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that all counsel of record were notified via said system.

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In San Juan, Puerto Rico, this 30th day of June, 2008.

Counsel for Victor Medero-Ruiz:

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/s/ *Thomas R. Lincoln*

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